

REMARKS

Claims 1-14 are pending in this application. By this Amendment, claims 1-5, 7-12 and 14 are amended. No new matter is added. Support for the amendment to the claims is found at least on page, 8, line 18 to page 9, line 21, of Applicants' disclosure. Reconsideration of this application based on the above amendments and the following remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Price and Examiner Zhang in the June 12, 2007 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

The Office Action, in paragraph 5, objects to claims 1-14 because the feature "each function" allegedly has no antecedent basis. The claims are amended to obviate this objection. As agreed during the June 12 personal interview, the amendments to the claims obviate this objection. Withdrawal of the objection is respectfully requested.

The Office Action, in paragraph 6, rejects claims 3, 8, 10 and 14 under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. This rejection is respectfully traversed.

Claims 3, 8, 10 and 14 each recite, among other features, outputting a return value. As agreed to during the June 12 personal interview, this feature, at least in combination with the other features positively recited in these claims produces a useful, concrete and tangible result.

Accordingly, reconsideration and withdrawal of the rejection of the enumerated claims under 35 U.S.C. §101 are respectfully requested.

The Office Action, in paragraphs 7 and 14, rejects claims 1-14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,308,225 to Schofield in view of

"Applied Operating System Concepts" by Silberschatz et al. (hereinafter "Silberschatz").

These rejections are respectfully traversed.

During the personal interview, Applicants' representatives argued that Schofield and Silberschatz cannot reasonably be considered to teach, or to have suggested, the combinations of all of the features positively recited in the pending claims. No agreement was reached.

Without conceding the propriety of the prior art rejections set forth in the Office Action, Applicants voluntarily amend the pending claims to clarify the claimed subject matter.

Claims 1, 2, 3, 7, 9 and 10, recite, among other features, determining whether the function is the at least one function having the at least one function argument and performing at least one of inputting the function argument, outputting the function argument and outputting the function return value. Claims 4, 5, 11 and 12 recite, among other features, an argument number detection section (or means) for determining whether the function is the at least one function having the at least one function argument, an argument register (or means) for performing at least one of inputting the at least one function argument and outputting the at least one function argument. At least these features of the independent claims cannot reasonably be considered to be taught, or to have been suggested, by Schofield, even in combination with Silberschatz.

Schofield teaches, in col. 8, lines 43-47, that the data structure generated in the call to GLU_INTERFACE_PREPARE allows the client and server to be compatible provided that the requested operation has the same name, parameters, parameter types, exceptions, and context specifiers. Therefore, Schofield teaches that data structures are exchanged only when the requested operations have the same name, parameters, parameter types, exceptions, and context specifiers. Schofield fails to teach determining whether or not a data structure has the same name, parameters, parameter types, exceptions, and context specifiers and exchanging

data structures even if those features are different between the client and the server.

Therefore, Schofield cannot reasonably be considered to teach, or to have suggested, the above-quoted features of the independent claims.

Silberschatz fails to cure the deficiencies of Schofield. The Office Action merely relies on Silberschatz for allegedly teaching a hardware interface.

Applicants' representatives discussed the above arguments with the Examiners during the June 12 personal interview. No agreement was reached with regard to the allowability of the pending claims over the applied references.

Finally, the Office Action improperly combines the two references for the following reason. The conclusory statement "it would have been obvious to one skilled in the art at the time applicant's invention was made to combine these teachings because both teach use of client-server systems" is insufficient to meet the articulated standard for such a showing. Simply stating that both references teach the use of client-server systems, does not rise to the level of motivation and/or suggestion as set forth by the courts.

The Federal Circuit consistently reaffirms its prior holdings asserting that "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977 (Fed. Cir. 2006) (quoting *In re Lee*, 277 F.3d 1338, 1343-46 (Fed. Cir. 2002), and *In re Rouffet*, 149 F.3d 1350, 1355-59 (Fed. Cir. 1998)). This standard is not met here as no articulated reasoning with some rational underpinning is provided. There is nothing for example in either of Schofield or Silberschatz that can be relied upon to support such a conclusion, nor has some objective evidence otherwise in the prior art been shown.

MPEP §2143.01 instructs that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests

the desirability of the combination." MPEP §2143.01 further instructs that "[a]lthough a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.'" *See also In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Applicants respectfully submit that the rejection of at least the pending independent claims is improper in view of at least MPEP §2143.01 because the Office Action lacks the required specific evidence of a teaching, suggestion or motivation in the prior art for one of ordinary skill to combine the references in the manner suggested other than a general statement that the references are in the same field of endeavor.

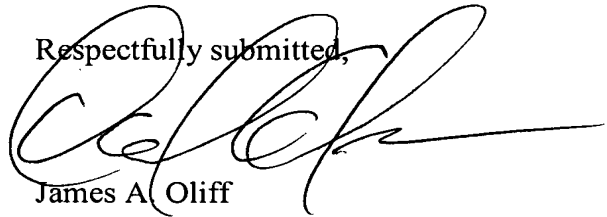
For at least the above reasons, Schofield and Silberschatz are not combinable in the manner suggested, and further cannot reasonably be considered to have suggested the specific combinations of all of the features positively recited in at least independent claims 1-5, 7 and 9-12. Further, claims 6, 8, 13 and 14 would also not have been suggested by the applied references for at least the respective dependence of these claims on allowable independent claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-14 under 35 U.S.C. §103(a) as being unpatentable over the applied references are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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